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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/381,508	09/21/1999	PAUL DAVID METCALFE	1749-258	4047

7590 12/30/2002

WILLIAM B. PATTERSON  
THOMASON, MOSER & PATTERSON, L.L.P  
3040 POST OAK BOULEVARD  
SUITE 1500  
HOUSTON, TX 77056

EXAMINER

BOCHNA, DAVID

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 12/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/381,508

Applicant(s)

METCALFE, PAUL DAVID

Examiner

David E. Bochna

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 16-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 16-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

1. Claims 1-6 and 16-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/37681 in view of Patrick.

In regard to claim 1, WO 96/37681 discloses a tubular connection defining overlapping longitudinal slots and comprising an intermediate portion 24 located between a slotted end portion 41, the connector being radially expandable by deformation of fingers of material in the intermediate portion where adjacent circumferentially spaced slots overlap, and

a length of expandable tubing 22 defining overlapping longitudinal slots 26 with nodes beyond (area where holes 24 are placed) the ends of the tubing slots and having a slotted end portion 40, the tubing being radially expandable by deformation of fingers of material where adjacent circumferentially spaced slots overlap,

wherein the slotted end portion of the connector is threaded (via 32 and 33) to the nodes of a respective end portion of the tubing length 22 and the deformable fingers of the connector 41 are axially spaced from the deformable fingers 40 proximate the slotted end portions of the respective tubing length 22.

However, WO 96/37681 does not disclose that the slotted end portions at each end of the connector are threaded for threading to the nodes of respective end portions. Patrick teaches providing one threaded end portion of a connector 10 (fig. 2 of Patrick) as well as providing two threaded end sections to a connector 10 (fig. 1 of Patrick) so that the connector could join a male and a female tubing ends as well as two male ends. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the

Art Unit: 3679

connector ends 24 of WO 96/37681 with two female threaded areas (as demonstrated by fig. 1 of Patrick) because the practice of providing tubing assembly connectors with either male or female connection ends is common and well known in the art, as demonstrated by Patrick.

In regard to claim 3, the intermediate portion 24 is of corresponding configuration of the tubing lengths 22, such that expansion characteristics of the connected tubing assembly are substantially constant.

In regard to claim 4, the connector intermediate portion 24 is of substantially the same wall thickness of the tubing 22 and wherein the connector end portions 27a, 27b are upset.

In regard to claim 5, each connector end portion defines an internal thread 33 for engaging a corresponding thread 32 on an outer surface of the respective tubing end portion 27a.

In regard to claim 6, the connector end portions define grooves 35 to receive corresponding tongues 39 provided on the tubing length end portions.

In regard to claims 16, 23-25 and 26, WO 96/37681 comprises a first tube 22 having a plurality of longitudinal slots 40 formed therein;

A connector 24 threadably disposed next to the first tube 22, wherein the connector comprises;

A first end having a plurality of circumferentially spaced, longitudinal slots 26 formed therein, and

an intermediate portion (area where 24 is pointing) located between the first and second ends having a plurality of radially spaced, longitudinal slots that at least partially overlap the slots formed in the first end.

However, WO 96/37681 does not disclose that the slotted end portions at each end of the connector are threaded for threading to the nodes of respective end portions of first and second tubular members. Patrick teaches providing one threaded end portion of a connector 10 (fig. 2 of Patrick) as well as providing two threaded end sections to a connector 10 (fig. 1 of Patrick) so that the connector could join a male and a female tubing ends, as well as two male ends. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the connector ends 24 of WO 96/37681 with two female threaded areas (as demonstrated by fig. 1 of Patrick) because the practice of providing tubing assembly connectors with either male or female connection ends is common and well known in the art, as demonstrated by Patrick.

In regard to claim 17, the slots formed in the first tubular, the second tubular, and the intermediate portion are expandable.

In regard to claims 18 and 24, the slots formed in the first tubular, the second tubular, and the intermediate portion are expandable to form substantially diamond shaped apertures.

In regard to claim 19, an inner surface of the first and second ends of the connector are threaded (Patrick teaches applying the threads 33 of WO 96/37681 at both ends of a connector, similar to fig. 1 of Patrick).

In regard to claim 20, the threaded inner surface of the first and second ends of the connector engage corresponding threads on an outer surface of the first and second tubular members (Patrick teaches applying threads 32 of WO 96/37681 on two end connectors 22 at opposite ends of 24 similar to the two tubular members 12, 22, in fig. 1 of Patrick).

Art Unit: 3679

In regard to claim 21, the first and second ends of the connector include a recessed groove 35 that receives a tongue 39 disposed on an end of the first and second tubular members.

In regard to claim 22, the connector is attached to the first and second tube using one or more means (32, 33 and screws inserted into holes 42, 43) for connecting disposed between the radially spaced, longitudinal slots formed in the first and second ends of the connector.

### ***Response to Arguments***

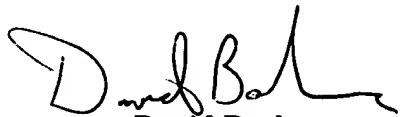
2. Applicant's arguments with respect to claims 1-6 and 16-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

  
David Bochna  
December 26, 2002